THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 19112 of 2007

Date:07-09-2007

Between:

Ratsa Rama Rao and 16 others ..

PETITIONERS

AND

The District Collector, East Godavari District and two others

...RESPONDENTS

ORDER:

The petitioners seek a writ of mandamus to declare the action of the respondents particularly the 3rd respondent in issuing the notices, dated nil to the petitioners directing them as to why they should not be evicted from their respective lands having issued pattedar passbooks and title deeds to them, though the petitioners are bona fide purchasers of their respective lands mentioned in the impugned order, as illegal and arbitrary.

It is stated that the 3rd respondent issued notices in Form-I of A.P. Assigned Lands (Prohibition of Transfers) Rules without having any proceeding number, date, file number etc. and the said notices have been served in the month of July, 2007 directing the petitioners to show cause within (15) days as to why they shall not be evicted from the said lands in question.

The perusal of the said notices goes to show that no file number, no proceeding number and date have been mentioned in the said notices. If the said notices are served, it is for the petitioners to submit their explanations to the authorities concerned. Under Section 3 (2) of the A.P. Assigned Lands (Prohibition of Transfers) Act, (for short 'the Act') no landless poor shall transfer any assigned land and no person shall acquired any assigned land either by purchase, gift, lease, mortgage exchange or otherwise and the said assigned lands are also not alienable under Section 4(1) of the Act.

Learned counsel appearing for the petitioners submits that under Section 3(5) of the Act, the prohibition of the transfer under

Section 3 (1) or (2) of the Act is not applicable to any assigned land where the purchasers are landless poor in good faith and for valuable consideration from the original assignee.

I am not inclined to express any opinion with regard to the merits of the case as it is for the concerned authority to consider the said contention and take appropriate decision.

Having regard to the facts and circumstances of the case, the writ petition is disposed of giving liberty to the petitioners to file their explanations to the said notices within (10) days from today and on filing such explanations, the 3rd respondent may consider and pass appropriate reasoned order after giving reasonable opportunity to the petitioners, in accordance with law. Till passing of such final orders, the petitioners shall not be dispossessed from the lands. No costs.

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V.ESWARAIAH, J.

Date:07.09.2007
CCM